

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Bum-sik YOON et al.

Serial No. 10/041,760

Group Art Unit: 2621

Confirmation No. 3178

Filed: January 10, 2002

Examiner: Jamie J. Vent

For: RECORDING MEDIUM WITH CONTENT STREAM DATA RECORDED THEREON,
RECORDING APPARATUS, AND REPRODUCING APPARATUS THEREFOR

COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowance of October 5, 2007, is acknowledged. The issue fee and the publication fee are being submitted herewith.

Pursuant to 37 CFR 1.104(e) and MPEP 1302.14, the applicants hereby provide the following comments on the Examiner's Statements of Reasons for Allowance on page 2 of the Notice of Allowability included in the Notice of Allowance of October 5, 2007.

MPEP 1302.14 states as follows in pertinent part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible effects.

On page 2 of the Notice of Allowability, the Examiner states as follows:

The following is an examiner's statement of reasons for allowance: Ando discloses a recording medium on which content

stream is recorded on a stream object and wherein the object has a predetermined size and one or more stream packs as seen in Figure 1. The video objects contain time stamps to verify when the content stream data is packed as further described in Column 4 Lines 45+. However, the prior art of record fails to disclose, suggest, or teach the following limitation:

"..wherein a size of the application packet is small enough so that each of the stream object units excluding the last stream object unit includes at least one entire application time stamp; and wherein a size of an application packet AP PKT SZ satisfies the following relation:

$$\text{AP PKT SZ} < \text{SPayload SZ} \times \{ \text{SOB SZ} \} - \{ \text{N AHE} + \text{N SByte} + \text{ATS SZ} \},$$

where, SOBU SZ denotes a size of a corresponding stream object unit, ATS SZ denotes a size of an application time stamp which is formed in units of bytes, SPayload SZ denotes a size of a data space containing information excluding a fixed header area from the stream pack, N AHE denotes a number of application header extensions of said corresponding stream object unit, and N SByte denotes a number of stuffing bytes of said corresponding stream object unit."

The limitation referred to by the Examiner is presumably taken from amended independent claim 1 in the Amendment After Final Rejection of September 18, 2007. However, the underlining provided by the Examiner obscures the underscores "_" in certain terms, such as "AP_PKT_SZ," in this limitation. Also, the Examiner has indicated that this limitation includes the mathematical operator "<" (less than). However, the limitation in amended claim 1 actually includes the mathematical operator "≤" (less than or equal to). Also, the Examiner has misspelled the second occurrence of "N_SByte" as "N_SBvte." The limitation in amended claim 1 actually reads as follows:

wherein a size of the application packet is small enough so that each of the stream object units excluding the last stream object unit includes at least one entire application time stamp; and

wherein a size of an application packet AP_PKT_SZ satisfies the following relation:

$$\text{AP_PKT_SZ} \leq \text{SPayload_SZ} \times \{ \text{SOBU_SZ} \} - \{ \text{N_AHE} + \text{N_SByte} + \text{ATS_SZ} \},$$

where, SOBU_SZ denotes a size of a corresponding stream object unit, ATS_SZ denotes a size of an application time

stamp which is formed in units of bytes, SPayload_SZ denotes a size of a data space containing information excluding a fixed header area from the stream pack, N_AHE denotes a number of application header extensions of said corresponding stream object unit, and N_SByte denotes a number of stuffing bytes of said corresponding stream object unit.

The same or substantially the same limitation appears in independent claims 9, 10, 18, and 26 in the Amendment After Final Rejection of September 18, 2007.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of the same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statements of Reasons for Allowance are not accurate and precise, and might be construed as placing unwarranted interpretations upon the claims, and are therefore improper pursuant to MPEP 1302.14.

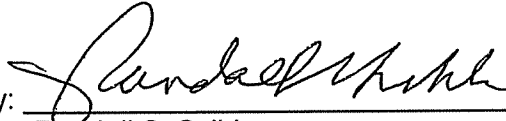
Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date:

01/07/08

By:



Randall S. Svihla

Registration No. 56,273

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

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**LETTER RE PREVIOUS FILING OF ENGLISH TRANSLATION OF PROVISIONAL
APPLICATION AND REQUEST FOR CORRECTION OF IMAGE FILE WRAPPER**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Allowance of October 5, 2007, is acknowledged. The issue fee and the publication fee are being submitted herewith.

The present application claims the benefit of Korean Application No. 2001-1233 filed on January 10, 2001, and U.S. Provisional Application No. 60/262,104 filed on January 18, 2001. The English translation of the provisional application and the statement that the English translation is accurate required by 37 CFR 1.78(a)(5)(iv) were filed on March 12, 2002, in the present application. The statement correctly indicates that the English translation is an English translation of U.S. Provisional Application No. 60/262,104. However, the cover letter accompanying the English translation and the statement incorrectly indicates that the English translation is an English translation of Korean Application No. 2001-1233, rather than U.S. Provisional Application No. 60/262,104. Accordingly, this letter is being submitted to clarify the record.

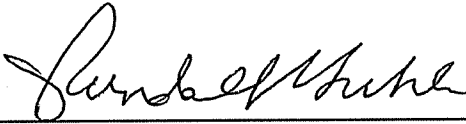
The image file wrapper of the present application incorrectly indicates that the English translation of the provisional application filed on March 12, 2002, is a certified copy of the foreign

priority application (document code FRPR). It is respectfully requested that the image file wrapper be corrected to indicate that the English translation of the provisional application filed on March 12, 2002, is a English translation of the provisional application.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 01/07/08

By: 
Randall S. Svihla
Registration No. 56,273

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510